UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,408	06/24/2004	Klaus Hoffmann	2002P04269WOUS	4404

7590 08/20/2009

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
ADDY, THUAN KNOWLIN	
ART UNIT	PAPER NUMBER
2614	
MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,408	HOFFMANN, KLAUS	
	Examiner	Art Unit	
	THJUAN K. ADDY	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 04, 2009 has been entered. Claims 17, 18, 37, and 38 have been amended. Claims 1-16, 40, and 41 have been cancelled. No claims have been added. Claims 17-39 are now pending in this application, with claims 17, 37, and 39 being independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17-22, 25, and 29-38 are rejected under 35 U.S.C. 103(A) as being unpatentable over Karras (US 6,393,113), in view of Murray et al. (US 6,654,452).

3. In regards to claims 17, 37, and 38, Karras discloses a method and terminal device for detecting malicious call (See Abstract and col. 5-6 lines 66-6), comprising: receiving, by a signaling unit (e.g., signalling office 32, See Fig. 1), a first call request of a calling terminal (e.g., calling subscriber 40, See Fig. 1), the first call request in accordance with a protocol define for data transmission in a data packet transmission network; sending a second call request from the signaling unit to a called terminal device (e.g., called subscriber 42, See Fig. 1); enabling a data (e.g., data packets)

transmission between the calling and called terminal devices; transmitting user data between the calling terminal device and the called terminal device (See col. 3-4 lines 66-15); wherein the called terminal device is a terminal device in a data packet transmission network, and wherein the signaling unit performs signaling in accordance with a signaling protocol which has been defined for data transmission in a data packet transmission network (See col. 4-5 lines 39-9). Karras, however, does not specifically disclose receiving a detection request in order to detect the malicious call of the calling terminal, the detection request initiated by a user of the called terminal; noting, by the signaling unit, an identifier for the calling terminal device; and storing the identifier permanently in a memory unit after receiving the detection request. Murray, however, does disclose receiving a detection request (e.g., feature activation code for dynamic call rejection) in order to detect the malicious call of the calling terminal (e.g., facsimile 300, See Fig. 3A-3B), the detection request initiated by a user of the called terminal (e.g., telephone 203, See Fig. 3A-3B); noting, by the signaling unit (e.g., switch 304, See Fig. 3A-3B), an identifier (e.g., caller line identification [CLI] information) for the calling terminal device; and storing the identifier permanently in a memory unit (e.g., database 306, See Fig. 3A-3B) after receiving the detection request (See col. 4 lines 19-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a communications system, a method, and an apparatus for dynamically rejecting unwanted calls.

4. In regards to claim 18, Karras discloses the method, wherein the detection

request is transmitted with a message and/or an information element which has been defined for the signaling in the data packet transmission network (See col. 4-5 lines 39-9). Murray discloses the method, wherein a detection request is sent to the signaling unit from the called terminal device during the data transmission or in conjunction with the signaling relating to the data transmission and the signaling unit notes the identifier on the basis of the detection request (See col. 4 lines 19-67).

5. In regards to claim 19, Karras discloses all of claim 19 limitations except the method, wherein an identifier is stored for the called terminal device, and upon arrival of the call request, a check is performed by the signaling unit as to whether the identifier of the terminal device to be called has been stored and that the identifier of the calling terminal device is noted when the identifier of the terminal device to be called has been stored. Murray, however, does disclose wherein an identifier is stored for the called terminal device, and upon arrival of the call request, a check is performed by the signaling unit as to whether the identifier of the terminal device to be called has been stored and that the identifier of the calling terminal device is noted when the identifier of the terminal device to be called has been stored (See col. 5 lines 1-24).

6. In regards to claim 20, Karras discloses all of claim 20 limitations, except the method, wherein the identifier of the calling terminal device is conveyed to the signaling unit in conjunction with the call request. Murray, however, does disclose wherein the identifier of the calling terminal device is conveyed to the signaling unit in conjunction with the call request (See col. 5 lines 1-8).

7. In regards to claim 21, Karras discloses all of claim 21 limitations, except the

method, wherein the calling terminal device is a terminal device in a circuit-switched data transmission network. Murray, however, does disclose wherein the calling terminal device is a terminal device in a circuit-switched data transmission network (e.g., PSTN 102, See Fig. 1).

8. In regards to claim 22, Karras discloses all of claim 22 limitations, except the method, wherein the identifier of the calling terminal device is requested as a result of the detection request by the signaling unit by way of a network transition unit to the circuit-switched data transmission network with the aid of an identifier request. Murray, however, does disclose wherein the identifier of the calling terminal device is requested as a result of the detection request by the signaling unit by way of a network transition unit to the circuit-switched data transmission network with the aid of an identifier request (See col. 5 lines 1-24)

9. In regards to claim 25, Karras discloses all of claim 25 limitations, except the method, wherein the calling terminal device is a terminal device in a data packet transmission network and that the signaling unit or another signaling unit checks the access authorization of the calling terminal device for the data packet transmission network. Murray, however, does disclose wherein the calling terminal device is a terminal device in a data packet transmission network and that the signaling unit or another signaling unit checks the access authorization of the calling terminal device for the data packet transmission network (See col. 5 lines 1-24).

10. In regards to claim 29, Karras discloses all of claim 29 limitations, except the method, wherein the message contains no additional information elements for

identifying the detection request. Murray, however, does disclose wherein the message contains no additional information elements for identifying the detection request (See col. 4 lines 43-62).

11. In regards to claim 30, Karras discloses the method, wherein the message contains in its header or in its body an information element which uniquely identifies the detection request (See col. 4 lines 39-53).

12. In regards to claim 31, Karras discloses the method, wherein in addition to the identifier of the calling terminal device the identifier of the called terminal device is noted (See col. 4 lines 39-53).

13. In regards to claim 32, Karras discloses the method, wherein in the case of a call diversion the identifiers of all terminal devices involved in the call diversion are noted (See col. 4 lines 39-53).

14. In regards to claim 33, Karras discloses the method, wherein the date is noted (See col. 7 lines 41-43).

15. In regards to claim 34, Karras discloses the method, wherein the time is noted (See col. 7 lines 41-43).

16. In regards to claim 35, Karras discloses the method, wherein at least one identifier for the signaling units involved in the call processing is noted (See col. 4 lines 39-53).

17. In regards to claim 36, Karras discloses the method, wherein the identifiers that are relevant to the transmission of the user data by way of the data packet transmission network are stored (See col. 4 lines 39-53).

18. Claims 23, 24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karras (US 6,393,113), in view of Murray et al. (US 6,654,452), and further in view of Allison et al. (US Patent Application, Pub. No.: US 2003/0083078 A1).

19. In regards to claim 23, Karras and Murray disclose all of claim 23 limitations, except the method, wherein in order to process the identifier request in the circuit-switched data transmission network a ITU-T standard Q.731 method is used. Allison, however, does disclose wherein in order to process the identifier request in the circuit-switched data transmission network a ITU-T standard Q.731 method is used (See pg. 4, paragraph [0043]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing telegraphy and telephony, as well as including IP voice, telematics, data, new services, systems, and networks.

20. In regards to claim 24, Karras and Murray disclose all of claim 24 limitations, except the method, wherein the identifier request is transmitted in accordance with at least one of the standards Q.1902.1 to Q.1902.6 and/or according to SIP-T. Allison, however, does disclose wherein the identifier request is transmitted in accordance with at least one of the standards Q.1902.1 to Q.1902.6 and/or according to SIP-T (See pg. 5, paragraph [0049] - [0051]).

21. In regards to claim 26, Karras and Murray disclose all of claim 26 limitations, except the method, wherein the signaling protocol is the SIP protocol or the ITU-T H.225 protocol or another signaling protocol that is suitable for signaling between the terminal device and the signaling unit. Allison, however, does disclose wherein the

signaling protocol is the SIP protocol or the ITU-T H.225 protocol or another signaling protocol that is suitable for signaling between the terminal device and the signaling unit (See pg. 4, paragraph [0043]).

22. In regards to claim 27, Karras and Murray disclose all of claim 27 limitations, except the method, wherein the detection request is transmitted in an INFO message using the INFO method according to RFC 2976, and that a header section of the INFO message or a body section of the INFO message contains an information element which serves to uniquely identify the detection request. Allison, however, does disclose wherein the detection request is transmitted in an INFO message using the INFO method according to RFC 2976, and that a header section of the INFO message or a body section of the INFO message contains an information element which serves to uniquely identify the detection request (See pg. 2, paragraph [0011]).

23. In regards to claim 28, Karras and Murray disclose all of claim 28 limitations, except the method, wherein the detection request is transmitted in a message using a method in accordance with an RFC defined for the detection of calls or according to an extended H.225 protocol or according to another signaling protocol between the terminal device and the signaling unit. Allison, however, does disclose wherein the detection request is transmitted in a message using a method in accordance with an RFC defined for the detection of calls or according to an extended H.225 protocol or according to another signaling protocol between the terminal device and the signaling unit (See pg. 4, paragraph [0043]).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

24. Claim 39 is rejected under 35 U.S.C. 102(e) as being anticipated by Wallenius et al. (US Patent Application, Pub. No.: US 2005/0259796 A1).

25. In regards to claim 39, Wallenius discloses a signaling unit for detecting electronic calls (See pg. 4, paragraph [0071]), comprising: a control unit that signals and provides a function that automatically notes an identifier of a terminal device (e.g., subscriber/calling party A) calling the called terminal device (e.g., destination/called destination B) (See pg. 4, paragraph [0069]); and a signaling protocol that has been defined for a data transmission in a data packet transmission network (e.g., WAP/Internet Network, See Fig. 3) (See pg. 4-5, paragraph [0075]; pg. 7, paragraph [0103]; pg. 9, paragraph [0128] – [0129]; and pg. 9, paragraph [0132]).

Response to Arguments

26. Applicant's arguments with respect to claims 17-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim (US 5,970,128) teaches a telephone device for caller identification. Wrona et al. (US 6,738,456) teach a school observation and supervisory system. Kim (US 6,584,188) teaches an intelligent telephone set.

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614